United Nations A/HRC/30/NGO/129

General Assembly

Distr.: General
8 September 2015

English only

**Human Rights Council**
**Thirtieth session**
Agenda item 4
**Human rights situations that require the Council's attention**

# Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15236(E)

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# Restrictive abortion laws, child abuse and the role of the church: sexual and reproductive health and rights in Latin America and the Caribbean

Ahead of the Global Day of Action for Access to Safe and Legal Abortion next month[1], the International Humanist and Ethical Union (IHEU) would like to put on record its serious concerns regarding the sexual and reproductive health and rights (SRHR) of women and girls in many of the Latin American and Caribbean Group (GRULAC) States.

In Chile, El Salvador and Nicaragua, abortion is prohibited altogether. In most other countries in the region, exceptions are provided only when necessary to save the woman's life and in certain other narrowly defined circumstances.[2]

Because of these limitations, many women seeking an abortion resort to purchasing abortion-inducing drugs, such as the ulcer treatment drug misoprostol, or go to "traditional practitioners" who use methods such as ingesting rat poison, or thrusting knitting needles, pieces of wood and other sharp objects into the cervix. Every year, one million women require hospital treatment as a result of unsafe abortions in the region;[3] the number of deaths unsafe abortions cause is in the thousands.[4]

Across the region, women and girls have been imprisoned, charged with the crime of abortion. Last year in El Salvador, 16 were charged; six of them were under 17 years old at the time of the alleged offences.[5]

The ICCPR, the UDHR, and the CRC do not recognize a pre-natal right to life.[6] Despite this, some GRULAC States justify their highly restrictive abortion laws on the grounds of protecting life prior to birth. These laws have repeatedly resulted in the withholding of critical, and sometimes lifesaving, medical treatment and have profoundly detrimental implications for women and girls in terms of their human rights, including the right to life.

Some recent cases include:

- In 2010, a 27-year-old Nicaraguan woman was diagnosed with an advanced form of cancer. Because she was pregnant, she was told she could not be prescribed aggressive chemotherapy or radiotherapy treatment. The woman delivered a severely malformed baby at seven months. She died 17 months later.[7]

- In 2013 in El Salvador, a 22-year-old woman suffering from lupus and kidney failure was refused an abortion despite being pregnant with an anencephalic foetus, and childbirth putting her life at considerable risk. The case provoked strong pushback from the Catholic Church, which used its sermons to condemn pro-choice advocates.[8] One local pastor described the foetus' condition and the girl's illnesses as "a very good excuse" and encouraged the government to uphold the restriction against abortion[9].

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[1] http://www.september28.org

[2] http://www.guttmacher.org/pubs/IB_AWW-Latin-America.pdf

[3] http://www.guttmacher.org/pubs/IB_AWW-Latin-America.pdf

[4] http://www.who.int/reproductivehealth/topics/unsafe_abortion/article_unsafe_abortion.pdf , http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/IAD9794%20Repro%20Rights_web.pdf

[5] https://www.amnesty.org/en/latest/news/2014/09/twelve-facts-about-abortion-ban-el-salvador/

[6] http://iheu.org/newsite/wp-content/uploads/2015/07/IHEU-Submission-on-Article-6-to-HRC_edited.pdf, §2

[7] http://www.theguardian.com/commentisfree/cifamerica/2010/feb/24/nicaragua-abortion-ban-amalia

[8] http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/IAD9794%20Repro%20Rights_web.pdf

[9] http://girlsglobe.org/2013/11/13/latin-americas-contraception-crisis/

- In El Salvador, a teenager served four years of a 30-year sentence after being convicted of murder at age 17 for giving birth to a stillborn baby - despite the hospital finding no evidence that she had intentionally aborted the pregnancy.[10]

- Again, in El Salvador, a 33-year-old mother of two was sentenced to 30 years in prison after suffering severe complications giving birth. Whilst in prison, she was diagnosed with advanced Hodgkin's lymphoma, a condition which could have been caught earlier had the medical personnel treating her during her obstetric emergency noticed the condition. She died in prison in 2010, less than one year after her miscarriage.[11]

- In Chile in 2010, a 28-year-old woman was denied both an abortion and treatment for cancer despite being pregnant with an anencephalic foetus.[12]

Notably, it is not just women in the region who suffer; the lack of SRHR protection also intersects with the abuse of children in the most cruel of ways; for example, when the pregnancy arises as a consequence of rape or child abuse.

Available data, while inadequate, suggests that the region of Latin America and the Caribbean exhibits some of the highest rates of family violence in the world, and that more than 80,000 die each year as result of it.[13] According to UNICEF, 40 million children under 15 years of age suffer violence, abuse and neglect in the region.[14]

It has been reported that in Bolivia, 34% of girls suffered sexual abuse before age 18[15] and, according to Amnesty International, in El Salvador alone in 2013, 1,346 rapes of women and girls were registered with the Police – with nearly two-thirds of those involving girls under 15 or classified as "mentally incapacitated."[16] In Paraguay, it is reported that two births a day occur among girls aged 10 to 14, and many are the result of sexual abuse by relatives and stepfathers.[17]

Some recent cases include:

- In Paraguay last year, a ten-year-old became pregnant after having been raped by her stepfather. She was taken to hospital by her mother, who asked that she be allowed an abortion; this was refused by the authorities, backed by the Church, and the mother was arrested as an alleged accomplice in her daughter's abuse (although she reported the abuse the previous year). The girl gave birth in August 2015, aged 11, by caesarean section. According to a doctor from the hospital, at the time there were two 12-year-old girls also waiting to give birth there.[18]

- According to a 2009 Amnesty International report, young girls in Nicaragua were found to be subjected to sexual violence by family or friends, and forced to give birth even when they were carrying their own siblings.[19]

- In 2013, a 14-year-old Chilean girl gave birth to her father's son. Her family wanted her to abort but the doctor

[10] http://www.npr.org/blogs/goatsandsoda/2014/09/22/320323339/why-a-teenage-mom-was-jailed-in-el-salvador-for-a-miscarriage, https://www.youtube.com/watch?v=g5Tmzo0M3Yk
[11] http://www.reproductiverights.org/press-room/center-for-reproductive-rights-files-case-revealing-the-horrifying-reality-of-el-salvador
[12] http://www.theguardian.com/commentisfree/2013/aug/27/abortion-rights-latin-america
[13] http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=539086
[14] http://www.unicef.org/lac/Boletin-Desafios9-CEPAL-UNICEF_eng.pdf
[15] http://www.economist.com/news/americas/21652331-latin-america-fails-protect-rights-and-lives-its-teenage-girls-suffer-children
[16] https://www.amnesty.org/en/latest/news/2014/09/twelve-facts-about-abortion-ban-el-salvador/
[17] http://www.reuters.com/article/2015/05/05/us-paraguay-abortion-child-idUSKBN0NQ0YB20150505?feedType=RSS&feedName=healthNews
[18] http globaltimes.cn/content/937100.shtml
[19] http www.amnestyusa.org/pdfs/amr430012009en.pdf

refused.[20]

- In 2013 in Chile, an 11-year-old became pregnant after she was repeatedly raped over two years by her mother's partner. At 14 weeks, she said she wanted to give birth to her baby and President Pinera praised her by saying her decision showed "depth and maturity."[21]

These appalling cases illustrate the horrific consequences of child abuse and teen pregnancy intersecting inhumanly with the rigid restrictions on abortion in many GRULAC States. They also demonstrate the role of the deeply conservative political and social climate in the region. Indeed, some have identified the indelible influence of the Catholic Church in forming views about women and reproduction in Latin America as a key reason for the severity of abortion laws and poor sexual health of so many women and girls.[22]

For instance, in Brazil (where abortion is permitted in cases of rape or a medical emergency), after a 9-year old girl underwent a life-saving abortion having become pregnant with twins as a result of sexual abuse by her stepfather, the Catholic Church excommunicated her mother and the doctors who treated her. The head of the Pontifical Commission for Latin America defended the decision, saying that although the girl fell pregnant after being raped by her stepfather (following years of abuse), her twins had, "the right to live, and could not be eliminated."[23]

In Nicaragua, human rights activists have argued that therapeutic abortion ban introduced in 2006 was the result of a re-election deal between President Daniel Ortega and the Catholic Church, a wealthy and powerful political player in this country.[24]

Tied up in this religious and societal conservatism is deeply rooted gender inequality. In many countries in Latin America and the Caribbean, especially in poorer communities, women are seen as subservient to their spouses and sex is viewed as a duty to their partner. As Amnesty International points out (in the case of El Salvador) "such discriminatory stereotypes remain deeply rooted in a conservative and patriarchal culture which still relegates women to the sphere of social reproduction – a culture widely promoted, in part, by conservative forces including the Catholic Church hierarchy."[25]

**Conclusion and Recommendations**

Deaths from unsafe abortion across the GRULAC States amount to thousands every year; yet many women could have their right to life respected if laws were changed guaranteeing them access to safe abortion.[26] Indeed, the liberalization of Uruguay's abortion legislation directly resulted in the dramatic reduction of the country's maternal mortality rates.[27] Clearly, preventing access to safe abortion is causing active harm in many States in the region.

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[20] http://www.channel4.com/news/latin-americas-abortion-shame

[21] http://www.theguardian.com/world/2013/jul/10/chilean-president-praises-raped-pregnancy

[22] http://www.economist.com/news/americas/21652331-latin-america-fails-protect-rights-and-lives-its-teenage-girls-suffer-children, http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/IAD9794%20Repro%20Rights_web.pdf, http://www.theguardian.com/commentisfree/2013/aug/27/abortion-rights-latin-america

[23] http://www.independent.co.uk/news/world/americas/brazil-rocked-by-abortion-for-9yearold-rape-victim-1640165.html

[24] http://pulitzercenter.org/reporting/central-america-nicaragua-abortion-ban-women-youth-girls-rape-victims-sexual-abuse-pregnancy-maternal-health-illegal-prochoice-activists-puberty-laws-childhood-fear, http://www.theguardian.com/commentisfree/cifamerica/2010/feb/24/nicaragua-abortion-ban-amalia

[25] http://www.amnestyusa.org/sites/default/files/on_the_brink_of_death.pdf

[26] http://apps.who.int/iris/bitstream/10665/75173/1/WHO_RHR_12.01_eng.pdf

[27] http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/IAD9794%20Repro%20Rights_web.pdf

Reproductive rights are human rights. The right to health, as understood by human rights law, includes reproductive rights and compels States to comply with such standards. Accordingly, the IHEU urges HRC members and observer States to raise the issues outlined in this statement with the concerned countries, and to call on them to:

- Recognise that restrictive abortion and contraception laws constitute significant barriers to women fulfilling their SRHR.

- Remove any criminal sanctions on reproductive health services.

- Guarantee access to justice for reproductive rights violations by enshrining SRHR into their laws, guaranteeing women adequate resources to access civil remedies and reinforce judicial remedies with national human rights institutions.

- Release all women and girls who have been detained or imprisoned in relation to undergoing abortions or for having miscarriages.

- Tackle abortion-related stigma and seek to eliminate gender discrimination and damaging gender stereotypes, which provide the backdrop to the denial of health services to women and girls in the region.